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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,605	04/14/2004	Robert A. Luciano JR.	SDG 04.003	8039
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EXAMINER				
YOO, JASSON H				
ART UNIT		PAPER NUMBER		
3714				
NOTIFICATION DATE		DELIVERY MODE		
04/27/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/825,605

Applicant(s)

LUCIANO, ROBERT A.

Examiner

Jasson H. Yoo

Art Unit

3714

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-15, 17-19, 36 and 37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-15, 17-19, 36 and 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/30/09 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-7, 9-15, 17-19, 36-37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant's specification fails to disclose that the dynamic payable comprises a plurality of paytables wherein each payable is associated with a corresponding game event. More specifically, Applicant's specification discloses a single dynamic payable used in the bingo game.

However, the specification fails to disclose a plurality of paytables. It appears that the dynamic payable is the "plurality of paytables", wherein the dynamic payable comprises variable payouts.

Claims 36-37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant specification fails to disclose how the equation: $PAY(I) = ROI * ABET * WGT(I) * AL*(IHT)/PR(I)$ is used to modify the dynamic payable. According to Applicant's specification (page 24 line 21), PAY(I) refers to the prize awarded. Although a payable may have a prize that can be awarded, it is not clear how the prize awarded PAY(I), is used to modify a payable. For example, Applicant discloses a payable 264 in Fig. 8. The payable comprises a plurality of payouts to be awarded for various combinations (combinations such as Bingo, Four corners, Blackout). The specification does not describe how the value of the prize to be awarded PAY(I), is used to modify the payable which includes payouts for the Bingo combination, Four Corners combination, and the Blackout combination.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7, 9-15, 17-19, 36-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-7, 9-15, 17-19, 36-37 recite, "said dynamic payable comprising: a plurality of paytables wherein each payable is associated with a corresponding game event." However, it is not clear a single dynamic payable comprises a plurality of payable. It appears that the dynamic payable is the "plurality of paytables", wherein the dynamic payable comprises variable payouts.

Claims 36 and 37 recite that the dynamic payable is modified after each game event according an equation: $PAY(I) = ROI * ABET * WGT(I) * AL*(IHT)/PR(I)$. The claims are indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention for the following reasons:

i. The claim does not specify what $PAY(I)$ is. Applicant's specification discloses that the prize awarded is referred to as $PAY(I)$. More specifically, Applicant's specification discloses that the variable "I" refers to the quantity of bingo numbers that have been drawn (Applicant's specification, page 23, lines 14-15). However, the claims do not specify how the dynamic payable is modified after each ball is drawn. For example, the claims do not specify how each payout for each combination of the payable is modified to produce the modified payable.

ii. The claims recite that $AL(IHIT)$ is a pay allocation weighting function. Neither the claims nor Applicant's specification specify the units in which the $AL(IHIT)$ is measure in. For example, Applicant's specification discloses that the allocation

weighting function may provide a 0.3 award when the bingo variation of a "row" of bingo numbers occurs (Applicant's specification page 23, lines 21-22). It is not clear how the weighting function is measured or units the weighting function is measured in. For example, it is not clear if the 0.3 award is 0.3 award credit, 0. award percent or other units. Furthermore, Applicant specification (page 23 line 21 – page 24 line 5) discloses the total for the allocation awards is 1.0 and is the sum of the awards" $0.3 + 0.3 + 0.4$. Thus it is not clear if the value of AL(IHIT) refers to the total award with the value of 1.0 or if it refers to a specific winning combination with a value less than 1.0.

iii. The claims recite that PR(I) is a probability for the next game event. However, the claims do not specify what aspect of the next game event is measured. For example, PR(I) could refer to the probability that the next game event will occur, or the probability that a win will occur in the next game event, or the probability that a player will make a wager for the next game event.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9-15, 17-19, 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luciano (US 6,368,214) in view of Odom (US 6,581,935).

Claim 1. Luciano discloses a method of playing an interactive bingo game, comprising:

initiating a game session (col. 9:41-55) that comprises,

a plurality of game events corresponding to the game session (each drawing of the ball is considered a game event, col. 9:41-55),

a chargeable credit game condition, in which a first player selection is received for charging at least one credit for each game event (col. 10:3-15);

providing a player a bingo card having a plurality of integers configured in a grid pattern (400 in Fig. 7A);

performing the game events so that each game event comprises having said interactive game draw at least one bingo number (420 in Fig. 7D) from a set of bingo numbers (cols. 9:37-40, 10:2-30);

charging a player a quantity of credits for each of the game events (bet per ball, cols. 9:49-55, 10:2-30), said quantity of credits is determined by said player (increase or decrease the bet, cols. 9:49-55, 10:2-30);

awarding said player one or more prizes according to a dynamic pay-table (col. 9:58) that depends on a plurality of dynamic variables that are modified after each game event that charges according to the chargeable credit game condition (The payable changes after a each ball is drawn or after each game event, col. 10:16-30.) said dynamic pay-table comprising,

a plurality of paytables wherein each paytable is associated with a corresponding game event (This limitation is interpreted as the dynamic paytable corresponds to a game event. Luciano discloses the dynamic paytable corresponds to a game event since the paytable changes when the player draws a ball, col. 10:16-30).

a plurality of triggering events wherein each triggering event is associated with one of a plurality of bingo patterns (col. 9:60-62).

repeatedly displaying each paytable for the corresponding game event (It is noted Applicant's specification fails to explicitly disclose that the paytable for the corresponding game event is repeatedly display. Applicant's specification discloses that the paytable is displayed at step 207 in Fig. 4. When the paytable is modified in steps 221 and 215, the step of charging for game event 208 occurs and skips step of displaying the paytable 207. However, it is inferred that the paytable is repeatedly displayed according to Figs. 6-10. Similarly, it is inferred that Luciano's paytable 414 is repeatedly displayed according to Figs. 7A-7E.; and

repeatedly modifying the dynamic paytable during the game session for each game event (cols. 9:49-55, 10:2-30) so that each paytable is modified according to a graduated weighting function that weighs probabilities more favorably as more game events are played during the game session (As more balls are drawn, it is more favorable that the player will win since the balls are drawn from a limited number of balls.).

Luciano discloses the method of playing an interactive bingo game with a dynamic pay-table as discussed above. Luciano further discloses a threshold event when the player obtains a blackout (col. 9:65-67). However, Luciano fails to teach the threshold event is configured to determine a plurality of prize credits awarded for each subsequent bingo pattern. Nevertheless, providing a plurality of prize credits for obtaining subsequent winning patterns is well known in the art. In an analogous art to bingo, Odom discloses a method of providing a plurality of prize credits awarded for each subsequent bingo pattern (see Table A, in col. 4:42-59). Odom specifically discloses the player can obtain a of bingo patterns, such as column, row, diagonal or four corners (col. 2:18-20). When multiple bingo patterns are made, the payout increases (col. 4:24-37). When providing a plurality of prize credits for obtaining subsequent winning patterns the player is awarded extra for the additional bingo patterns. When incorporating with Luciano's interactive bingo game, the player will be motivated to wager for extra balls after a bingo pattern has been obtained, in order to form additional bingo patterns and obtain extra winnings. Therefore it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify Luciano's interactive bingo game and incorporate Odom's prize credits for obtaining subsequent bingo pattern, in order to provide the predictable result of paying out the player extra credits for additional the additional winning patterns.

Claim 2. Luciano in view of Odom discloses that the player permitted to terminate the game after each game event (by clicking the end game button, Luciano, col. 10:33-34).

Claim 3. Luciano in view of Odom discloses that the player is permitted to use player skill in deciding whether to terminate the game session (The player can terminate the game by clicking the end game button, Luciano, col. 10:33-34. Since this button is pressed by the player, it is based on the player's skill.).

Claim 4. Luciano in view of Odom discloses that the player is provided a plurality of bingo cards (Player is provided a plurality of bingo cards to play with, Odom, col. 3:26-67.).

Claims 5, 13. Luciano in view of Odom discloses that the plurality of bingo patterns includes at least row, the row being horizontal, vertical or diagonal (Luciano, col. 9:61; Odom, col. 2:20).

Claims 6, 14. Luciano in view of Odom discloses that the bingo patterns includes a four corner bingo pattern (Luciano, col. 9:63-63; Odom, col. 2:20).

Claims 7, 15. Luciano in view of Odom discloses that the plurality of bingo patterns includes a blackout bingo pattern (Luciano, col. 9:65; Odom, col. 4:55).

Claims 9, 17. Luciano in view of Odom discloses that the plurality of dynamic variables comprises a quantity of player credits wagered for each chargeable action (Luciano, col. 9:9:59; Odom, col. 4:45).

Claims 10, 18. Luciano in view of Odom discloses that the determining of the plurality of prize credits to award for each the plurality of bingo patterns is based on an allocations variable which is associated with the dynamic variable (Luciano discloses the dynamic pay-table depends on the credits and the number of balls drawn, cols. 9:56-10:30. Odom discloses a plurality of prize credits is awarded for each of the plurality of bingo patterns, col. 4:42-59).

Claims 11, 19. Luciano in view of Odom discloses that bingo system comprises networking a plurality of interactive games (Odom discloses the game is networked, col. 5:25-33). A network interface card is inherent to communicate with the network.

Claim 12. Luciano in view of Odom discloses the interactive bingo gaming system as discussed in claim 1 above. Luciano further discloses a credit meter configured to record charging a player one or more credits for initiating a game (408, in Fig. 7A), a prize meter which is incremented each time said threshold event occurs (total win 410 in Fig. 7A), and a termination button that permits said player to terminate said game session after each game event (col. 10:33-34).

Claim 36, 37. Luciano in view of Odom discloses a dynamic payable (Luciano, col 9:56-10:2). Luciano explicitly discloses that the values of the payable are dependent on the number of credits bet per ball (col. 9:56-10:2). Luciano also discloses that the payable changes as the player draw a ball (col. 10:16-30). However, Luciano in view of Odom fails to teach that a specific equation as claimed is used to modify the dynamic payable. Nevertheless the specific equation used to change the dynamic payable is a design choice. As disclosed in Applicant' specification (page 18, lines 1-12) there are numerous ways to modify the payable. Every payable is designed to provide a certain winning payout. These payouts are regulated by each jurisdiction to provide fairness to the players, while allowing the gaming operators to profit from the game. When creating a payable, the amount of wagered, the probability of obtaining a winning outcome and the value of the winning outcome are considered. The variables within the claimed equation are variables that reflect the amount wagered the probability of obtaining a winning outcome and the value of the winning outcome. Therefore it would have been obvious to one of ordinary skilled in the art at the time the invention was made to incorporate the claimed equation to modify the Luciano's dynamic payable since it is well known in the art to consider the variables of the claimed equation in creating a payable. Using such equation will provide a fair payable to the players while allowing the gaming operators to profit from the game.

Response to Arguments

Applicant's arguments with respect to claims 1-7, 9-15, 18-19, 36-37 have been considered but are moot in view of the new ground(s) of rejection.

New 35 U.S.C. 112, first paragraph rejections, 36 U.S.C. 112, second paragraph rejections, and new 35 U.S.C. 103(a) rejections have been made to address the newly added amended limitations.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasson H. Yoo whose telephone number is (571)272-5563. The examiner can normally be reached on 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JHY

/Peter D. Vo/
Supervisory Patent Examiner, Art Unit 3714